

SK123_Notice_Motion_Withdraw.doc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	ECF CASE
DEL MONTE FRESH PRODUCE NA, INC.,	:	
GIUMARRA INTERNATIONAL MARKETING,	:	07 Civ. 1887 (DC) (JCF)
INC., and PACIFIC FRUIT INC.,	:	(Consolidated)
	:	
Plaintiffs,	:	
	:	
-against-	:	NOTICE OF MOTION TO
	:	WITHDRAW AS COUNSEL
ANA DISTRIBUTION, INC. and SUNG "SAM" G KIM.	:	FOR DEFENDANTS ANA
	:	DISTRIBUTION AND
Defendants.	:	<u>SUNG G. KIM</u>
	:	
-----X		

PLEASE TAKE NOTICE THAT the undersigned attorney, Carl E. Person, will move this Court, before The Honorable Denny Chin, United States District Judge, at Courtroom 11-A, in the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 100007, such date and time as may be determined by the Court, for an Order granting attorney Carl E. Person

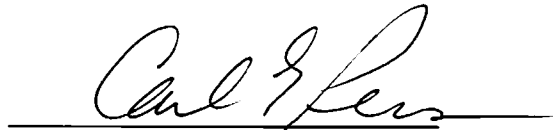
(1) permission to withdraw as attorney for defendants (a) Ana Distribution, Inc. and Sung "Sam" G. Kim in the action brought by Del Monte Fresh Produce NA, Inc., Index No. 07 CV 1887; (b) Ana Distribution, Inc. and Sun Gong Kim, a/k/a Sam Kim in the action brought by Pacific Fruit, Inc., Index No. 07 CV 2555; (c) Ana Distribution, Inc. and Sun (Sam) G. Kim in the action brought by Giumarra International Marketing, Inc., Index No. 07 CV 4665; and (d) Ana Distribution, Inc. and Sam Kim in any other action consolidated with this consolidated action; and an order so relieving him as counsel in such individual actions and the consolidated action;

(2) an adjournment and/or stay of all proceedings, including the pending joint preliminary injunction motion, to permit the defendants now represented by Carl E. Person to obtain other counsel; and

(3) such other and further relief as the Court deems just and proper.

Any opposition to this motion by the Defendants shall be served on Carl E. Person and the attorneys for the Plaintiffs and no later than October 20, 2007 and filed with the Court Clerk promptly thereafter, and any opposition to this motion by any of the Plaintiffs shall be ECF-filed no later than October 20, 2007.

Dated: New York, New York
October 10, 2007

A handwritten signature in black ink, appearing to read "Carl E. Person", is written over a horizontal line.

Carl E. Person (CP 7637)
Attorney for the Defendants,
Ana Distribution, Inc. and Sung G. Kim
325 W. 45th Street - Suite 201
New York, New York 10036-3803
(212) 307-4444

CERTIFICATE OF SERVICE

Carl E. Person hereby declares, pursuant to the penalties of perjury under 28 U.S.C. § 1746,

that the following statements are true and correct:

I am not a party to this action, am over 18 years of age, and on October 10, 2007, I

served a true copy of the foregoing

**NOTICE OF MOTION TO WITHDRAW AS COUNSEL
FOR DEFENDANTS ANA DISTRIBUTION AND SUNG G. KIM**

dated October 10, 2007 (the "Document") on the attorneys for each of the Defendants by ECF filing of the Documents; and on the Defendants Ana Distribution, Inc. and Sung G. Kim by mailing a copy of the Document to the addresses below:

**Ana Distribution, Inc.
c/o Sam G. Kim, President
4 Valenza Lane
Blauvelt NY 10913**

**Sam G. Kim, President
4 Valenza Lane
Blauvelt NY 10913**

and on October 10, 2007 by emailing a copy of the Document to the Plaintiffs' respective attorneys at the following email addresses: mamendola@martynlawfirm.com; kasper@biznesslaw.com; b.levinson@verizon.net; c.constable@waeschelaw.com; j.keough@waeschelaw.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on October 10, 2007.



Carl E. Person